

**PLANNING BOARD MEETING MINUTES
TUESDAY, JULY 19, 2005**

MEMBERS PRESENT: Jeremy Daly, Chair
Paula Caron
Jay Cruz
John DiPasquale
Mike Hurley
Nancy Maynard
Dean Tran
Paul Fontaine, Jr. (associate member)

PLANNING OFFICE: David Streb
Mike O'Hara

Call to Order

Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

ANR plans

The Board reviewed and endorsed the following "ANR" plans:

Gelinas, 267 Pearl Hill Rd.

8 frontage lots and rear open space parcel split off, per "flexible" development Special Permit approved at last meeting.

Ketola, Pratt Rd./Lovisa St.

Split of remaining land around dwelling at #41 Pratt Rd. into three frontage lots.

At the request of the applicant, Bilotta's Smith St. / Milton St - "Summerview" condominiums Special Permit public hearing, continued from 6-21-05, was postponed to August 16 meeting.

At the request of the applicant, Wachusett Development's West St./Sheldon St., PUD Special Permit public hearing, continued from 6-21-05, was postponed to the September 20th meeting.

PUBLIC HEARINGS

Special Permit - Martineau, Benoit St., infill lot

Atty. George Watts explained the proposal to build a single-family dwelling on a 5,900 sq. ft. parcel.

Public comment:

Paula Lawrence, 20 Benoit St. – spoke against the proposal. Is the abutter on the right -- small setback will greatly affect her privacy. Realizes that zoning allows infill lots, but must review on a case-by-case basis. Requests that Board view this parcel before deciding.

Mrs. Amico, 188 Beech St. – spoke against the proposal. Lot would be desecrated.

Norman Boisvert, Ward 2 Councilor – spoke against the proposal.

Joe Thibodeau, 5 Benoit St. – spoke against the proposal.

Mrs. Demartino, 55 King St. (across street) – two-story building wouldn't fit in w/ all ranches in area
Roy Dupuis, 61 Huron St. – also spoke against the proposal.

In response to the questions from several people about how anyone would know that the property was for sale (as no for sale sign was observed), Paul McNamara of Foster Healey Real Estate said that the property was listed in the real estate books.

Atty. Watts introduced applicant Martineau. Fitchburg Police Sgt. for 20 years. Not a stranger to the city even though lives in Leominster.

Mr. Tran – if neighborhood offered to buy, would he entertain offer? Martineau: yes.

Atty. Watts: client purchased property for \$41,000, plus “what it cost to get him here” (engineering, application fees, etc.)

Mr. Daly proposed giving the applicants and the neighbors an opportunity to reach an agreement over buying the parcel of land at a fair price. Atty. Watts - no objection to continuance.

Public hearing continued to the August 16th meeting.

Special Permit - Sturdy Homes, 106 East St. 4-family

Atty. Watts described the proposed four-family new construction project. The existing structure would be demolished and replaced with a new four unit building. Proposed as condo ownership.

Public comment:

Councilor Steve Hay spoke in opposition, and introduced about ten neighbors who were there to oppose the application. Mr. Hay felt that four units were too many on less than ½ acre, and in fact three may be too many.

Mr. Daly asked if the Councilor would be opposed to three units. He said yes.

George Gillis, 112 East St. – spoke to oppose the proposal. Said it's out of character with the neighborhood and will impact the natural environment. It doesn't conform to what exists today. Original building was built as 2-family - it should revert back to 2-family. Five single-families and only two 2-family dwellings nearby. Proposed sewer clean-outs would be located next to his property lines

Mark Scolnick, principal of Sturdy Homes, stated that his motivation was to eliminate blight and to provide a home for new couples starting out.

Fran Cutting, 107 East St. – growth for growth's sake is not appropriate for this neighborhood. Said that the third apartment was created illegally, and that several cease and desist orders were ignored. Opposes proposal. Resubmit plan to be more in line w/ neighborhood.

Al Woods, 94 East St. – opposes.

Deborah Brydon, 87 East St. – they're working to clean up the neighborhood, and now this proposed 4-family will cause more traffic and make things worse. She's all for a two-family, but not four.

Ms. Bedard, 125 East St. – owns a 3-family on other side of street. Supports a two-family.

Mr. Boivin, 103 Lincoln St. (abutter to rear) – afraid of losing privacy.

Board comment:

Ms. Maynard – Opposes. Was converted to an illegal 3rd unit. Such conversions are a problem in City. A 2-family would be better.

Mr. Fontaine – asked Atty. Watts if he had done research on the legality for the three units?

Attorney Watts replied that he had checked the Assessor's records & it's listed as a 3-family.

Mr. Fontaine – If developer had to walk away from project -- better that it be 3-units individually-owned than structure continuing as an eyesore.

Mr. Tran – is the building rehab-able? Mr. Scolnick said no.

Mr. Tran – would he be willing to reduce the number of units? Mr. Scolnick said that he's not sure - he'd have to run the numbers. Paid cash for building.

Ms. Caron – is concerned about the amount of impervious area, and the side setbacks.

Mr. Cruz – he'd consider three units, but four was too many.
Mr. Hurley agreed.

Mr. Daly – thinks there are too many units, the setback along the northern edge was a concern, and that an undisturbed area should be left along Lincoln Street. Consider stockade fence on north side. Show the abutting houses on a revised plan.

Ms. Maynard & Mr. Hurley: would only support a two-family.
Mr. Scolnick: would not be economically feasible to do two.

Mr. Daly: would any other Plng. Bd. members not support a 3-family? Doesn't want to send applicant back to revise plan and waste his time.

Mr. DiPasquale: 3 units is OK if done right and addresses the concerns raised.
Mr. Cruz: agreed. Make it make appealing to the neighborhood. Would rather have a 3-family than allow structure to deteriorate.

Mr. Fontaine suggested that applicant bring photo & plan of what type of structure you're thinking of doing.

Public hearing continued to August 16. They'll revise plan & resubmit one week prior.

Special Permit - Habitat for Humanity , 83 Walnut St., infill lot

Frank Woods of Habitat presented plan. Similar to Habitat's Water Street project. Will have walk-out basement, deck on side, front porch, front gable.

Mr. Hurley: ask Cemetery Dept. to look into repairing fence on rear property line.
Mr. Woods: Habitat is willing to repair.
Mr. Woods said he wants to maintain an appropriate setback, and be similar in architecture to the neighboring structures. Engineering had a minor comment about size of sewer connection.

Public comment: None.
Public hearing closed.

Motion made & seconded to approve Special Permit, subject to:

- Standard infill lot conditions.
- Setbacks as shown on plan +/- 3 feet.
- Address DPW-Engineering comments.

Vote 7-0 to approve.

Site Plan Review - Advance Auto Parts, 459 John Fitch Hwy.

Atty. Phil Lombardo introduced Jim Cranston of Bohler Engineering, who presented the plan. Primax Properties, LLC of North Carolina are the owners. The site is the former Ponderosa Restaurant, and is 2.25 acres in size. The existing building will be demolished. The zoning ordinances calls for 23 parking spaces, and they are proposing 38. They are requesting a waiver of the requirement for a buffer between the sidewalk and the building because the sidewalk is against the building and the parking abuts it. The Board pointed out that the buffer is required when adjacent to the city sidewalk, but the company felt the language is somewhat ambiguous so they are requesting a waiver.

The site will constitute a 40% reduction in impervious area. Existing utilities will be utilized to the extent possible.

Public comment: None.
Public hearing closed.

Motion made & seconded to approve site plan, subject to the condition that the trees on John Fitch Highway at the northwest corner of the site adjacent to Wendy's are moved as necessary to ensure sight lines are not blocked. Vote 7-0 to approve.

Brief recess.

OTHER BUSINESS

Revised plan - Pandiscio, Damon Rd/Wanoosnoc Rd., 95-unit Planned Unit Development

Mr. Daly explained to the audience the history of the application – that it was a Special Permit application that was denied by the Board in June '04 & appealed. Stated that the Board could not take any action unless the matter was remanded to them by the Court, and this constituted an informal discussion about a revised plan that reduces the number of units from 129 to 95 and changes access from Wanoosnoc Road to Damon Road.

Fred Hamway presented revised plan. Site is 27 acres. Project originally included the three buildings shown, plus townhouse units to the east which have been deleted. Water and sewer will come from Wanoosnoc Road, but no vehicular access. The project has been reduced to 95 units. Grading and elevation of the western portion similar to original proposal. Parking underneath buildings for 1.5 spaces per unit.

Atty. Mark Bodanza pointed out that the environmentally sensitive portion of the site will be undisturbed.

Ms. Caron -- is he planning improvements to Damon Road?

Fred Hamway -- as detailed in the traffic study, but no widening.

Ms. Caron -- people in the second and third buildings ~~unit~~ have to drive through the parking lot of the first building ~~unit~~ to get to their unit, and that is unsafe.

Mr. Fontaine – feels that there should be a turnaround in Damon Road. Hamway responded that there is currently an L-shaped turnaround there.

Ms. Caron – reminded that the layout as presented shows underground utility connections to the development by a right-of-way off of Glen Ave. Prior documentation submitted to the City to evidence that the segment of road in question is a public way was not conclusive. The status of the way (as a public way) would need to be determined to the satisfaction of the city (solicitor), as the planning board has no authority to grant permission to make roadway improvements within a private way. For the developer to obtain permission to improve a private way and install utilities, permission from the owners of both sides of the way would be required.

Atty. Bodanza – Old Lunenburg records show the Wanoosnoc Road as a public way. Said that he's confident that he can demonstrate to the City Solicitor's satisfaction that it's a public way.

Mr. Dipasquale – is the sewer was going to be gravity-flow?

Hamway – sewer will be gravity to a pump station on the eastern portion of the site, and pumped to Wanoosnoc Road, either over or under the culvert.

Mr. Dipasquale – What about water?

Hamway – Weston and Sampson had begun a water study but never completed it.

Mr. Tran – have they submitted the project to the Conservation Commission?

Hamway – that there were three areas of concern previously before the commission, the brook crossing, the Wanoosnoc brook near Route 2, and the wetlands on the eastern portion of the site. Only the driveway crossing the wetlands is still an issue with this new plan.

Mr. Daly invited public comment:

John Boucher, 30 Olin Dr. – Pipes are 1938 vintage near his house. He's concerned that this development will cause problems near his house.

John Carbone, 33 Damon Rd. – Can a private developer take land by eminent domain? Board replied no.

Hamway described Damon Road as a 50' ROW for a portion, then it reduces to a three rod, or 33-foot layout.

Heather Berlein, 80 St. Martin St. – moved into house a week ago, no one told her about proposed development. Her land comes up to the brook. What will happen to the land, will lighting be a problem, and what about highway noise?

Atty. Bodanza – they are exploring the possibility of having the open space portion of project acquired through a self-help grant, and the developer would assist with funding so there'd be no out-of-pocket cost to the city. The sewer line and the water line will follow the existing road and so will not affect the tree buffer along the highway or near her house.

Heather Berlein asked if they were planning additional lights along Damon Road, and whether the site will be fenced and gated. Fred replied no to both questions.

Mr. Daly – Traffic study should be redone as conditions have changed significantly.

Stephen Holt, 152 Olin Ave – How wide would Damon Road be? There are wetlands and perennial streams on both sides of Damon Road.

Hamway – Can't commit to a particular width at this time.

Terry Thomas, 7 Damon Rd. – Pointed out a deficiency of the study.

Steven Holt asked whether the Fire Department could make the turn at Damon Road? Where will the fire pump station be located, and could it be moved further uphill away from Keith Dooling's house?

Fred Hamway – the pump station will be located at the base of the access road to the tower, near the existing detention pond. Or it may be underground, and not visible. But it can be moved further way from Keith's house.

Jerry Testagrossa, 26 Maplewood Terrace. How are you going to get the required pressure to the top floor of the new buildings?

Fred Hamway said that John Bizzotto is confident that it can be done, but that the study hasn't been completed yet.

Councilor Joseph said there are traffic concerns at Electric and Mt. Elam Avenue, and concerns about the watershed. Also, concerns about the stream near Wanoosnoc Road, and about the water on the existing road.

Mr. DiPasquale asked about the repair of the existing bridge.

David Streb replied that Verizon has submitted plans for the repair of the bridge, and that they were forwarded to the Engineering Department, who have marked them up and returned them to the engineering firm.

Terry Thomas, 7 Damon Rd. – If we widen the road, it will take out two historic trees and be real close to their septic system. There is a perennial stream along Damon, so you can't widen the road. Construction

trucks will damage the road and affect the character of the road. There are 72 houses on Mt Elam Road, plus 12 under construction. These extra 95 will add 120% to the traffic and noise. What will I do if I lose my septic or water? This does not fit the character of the area.

Heather Berlein – What is the benefit to the city to build this?
Mr. Daly spoke about various items.

Gerry Testagrossa – They fought an earlier development because it had too many units, and they changed it to single family homes. Now they need to fight this. He wants single family homes.

Marceau, 595 Mt Elam Road – Bovenzi is building, but leaving most of the site as open space. If it is a good project and meets all the standards, why not allow it?

Ms. Caron said that each homeowner should get their wells tested prior to construction.
Mark Bodanza said that the developer will pay the cost of that testing.

Someone asked if development will happen throughout the year, and pointed out safety issues during the winter months.

Mr. Pandiscio said that it's the intent of him and his wife to live there.

MISCELLANEOUS ITEMS

Benjamin Builders subdivision modification

Board voted unanimously that it's OK to build the sidewalk without the grass strip between the curb and sidewalk.

Seney Bond Release – 242 High Street

The Board has questions about his other site on Elm Street, and he wasn't there to answer questions about it.

Motion made & seconded to adjourn the meeting. Vote unanimous.

Meeting adjourned: 9:55 p.m.

Next meeting: August 16, 2005

Approved: August 16, 2005